

### **REMARKS**

Claims 38-58 are pending in the present application. Also, Claims 1-37 were previously cancelled in a Preliminary Amendment. The Final Office Action dated March 3, 2006 (FOA) has again rejected Claims 38-58. Claims 38, 47, 48, 52, 53, 57 and 58 are amended in this response.

#### **35 USC 102 Rejections**

Claims 38-45, 48, 49, 51-53, and 55-58 were again rejected under 35 USC 102(b) as being anticipated by Speicher, US Patent No. 6,282,515. The FOA states that the rejection of these claims mailed October 12, 2005 is incorporated by reference into the current FOA. (FOA, pg. 2, sec. 2.) The current FOA also indicates that the Examiner broadly interprets the claim term "interface" to include a computer interface, e.g., "Windows." (FOA, pg. 3, sec. 4.) Applicants respectfully note that the prior non-final office action expressed a different interpretation. Specifically, the non-final office action mailed October 12, 2005 (and incorporated in the current FOA) states that the cited reference (6,282,515 to Speicher) discloses "providing an interface, e.g., browser." (Office Action mailed 10/12/2005, pg. 2, sec. 2.) Thus, the finality of the current FOA should be withdrawn, so that Applicants are allowed to respond to the new interpretation.

Applicants continue to respectfully disagree that every element of every claim was disclosed by Speicher for at least the reasons discussed in the response of January 11, 2006, the contents of which are hereby incorporated by reference. Nevertheless, Applicants have amended Claims 38, 48, 52, 53, 57 and 58 to clarify that the interface is an application program interface. Support is found throughout the specification, including Figures 2 and 17, and paras. 116-119.

As discussed in Applicants' prior response, Speicher does not contemplate the possibility of employing the same application program interface to both access the personal advertisement and submit additional content. On the contrary, Speicher teaches away from employing the same application program interface to submit the additional content. Speicher discloses recording audio, image, or video with a separate WAV file editor interface and submitting the files through yet another separate email interface. (See Speicher, col. 10, line 37 through col. 11, line 51. For each

type of file, the user must identify the file with a five-digit mailbox number, and email the file to a predefined email address corresponding to the type of file. (Id., and Figure 6, element 1021.) Applicants' claims do not require such complexity, and employ the same application program interface for both accessing the personal advertisement and submitting video or audio content.

Accordingly, the rejection of independent Claims 38, 52, and 58 under 35 USC 102(b) should be withdrawn. Additionally, dependent Claims 39-45, 48, 49, 51, 53, and 55-57 are neither anticipated nor obvious for at least the same reasons as respective independent Claims 38, 52, and 58, upon which they depend. Accordingly, the rejection of dependent Claims 39-45, 48, 49, 51, 53, and 55-57 should also be withdrawn.

### 35 USC 103 Rejections

Claims 46, 47, 50, and 54 were again rejected under 35 USC 103(a) as being unpatentable over Speicher. The FOA states that the rejection of these claims mailed October 12, 2005 is incorporated by reference into the current FOA. (FOA, pg. 2, sec. 2.) Applicants continue to respectfully disagree that every element of every claim was disclosed by Speicher for at least the reasons discussed in the response of January 11, 2006, the contents of which are hereby incorporated by reference. In particular, modifying Speicher to include the officially noticed windows-based or browser-based player/recorder would change the fundamental operation of Speicher, which uses separate interfaces, and uses a file name scheme to associate audio/video files with an advertisement. (See Speicher, col. 10, line 67 through col. 11, line 6.) Moreover, dependent Claims 46, 47, 50, and 54 are neither anticipated nor obvious for at least the same reasons as respective amended independent Claims 38 and 52, upon which they depend. Accordingly, the rejection of dependent Claims 46, 47, 50, and 54 should be withdrawn.

### CONCLUSION

In view of the foregoing remarks, Applicants believe that this response has responded fully to the concerns expressed in the Office Action and that this response places each of the pending claims in condition for immediate allowance. Accordingly, the Examiner is respectfully requested

Amendment dated

After Final Office Action of March 3, 2006

to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

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Respectfully submitted,

By

  
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